

amended. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

The Commodity Credit Corporation Charter Act, referred to in par. (4)(H), is act June 29, 1948, ch. 704, 62 Stat. 1070, as amended, which is classified generally to subchapter II (§714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Aid and Trade Missions Act, and not as part of the Agricultural Trade Development and Assistance Act of 1954 which comprises this chapter.

AMENDMENTS

1991—Par. (4)(A). Pub. L. 102-237, §307, amended directory language of Pub. L. 101-624, §1515(b). See 1990 Amendment note below.

1990—Par. (4)(A). Pub. L. 101-624, §1515(b), as amended by Pub. L. 102-237, §307, substituted “titles I, II, and III” for “titles I and II”.

1988—Pub. L. 100-418 substituted “This Act” for “this chapter” in the original, which was translated as “sections 1736bb to 1736bb-6 of this title”, requiring no change in text.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-237 effective as if included in the provision of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101-624, to which the amendment relates, see section 1101(b)(2) of Pub. L. 102-237, set out as a note under section 1421 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1736bb, 1736bb-3, 1736bb-4, 1736bb-5 of this title.

§ 1736cc. Repealed. Pub. L. 101-624, title XV, § 1577, Nov. 28, 1990, 104 Stat. 3702

Section, Pub. L. 101-220, §13, Dec. 12, 1989, 103 Stat. 1884, prohibited duty drawback claims by exporters who used certain export promotion programs.

SUBCHAPTER V—FARMER-TO-FARMER PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1727e of this title.

§ 1737. Farmer-to-farmer program

(a) In general

To further assist developing countries, middle-income countries, and emerging democracies to increase farm production and farmer incomes, the President may, notwithstanding any other provision of law—

(1) establish and administer a program of farmer-to-farmer assistance between the United States and such countries to assist in increasing food production and distribution and improving the effectiveness of the farming and marketing operations of farmers;

(2) utilize United States farmers, agriculturalists, land grant universities, private agribusinesses, and nonprofit farm organizations to work in conjunction with farmers and farm organizations in such countries, on a voluntary basis, to facilitate the improvement of farm and agribusiness operations and agricultural systems in such countries, including ani-

mal care and health, field crop cultivation, fruit and vegetable growing, livestock operations, food processing and packaging, farm credit, marketing, inputs, agricultural extension, and the strengthening of cooperatives and other farmer groups;

(3) transfer the knowledge and expertise of United States agricultural producers and businesses, on a people-to-people basis, to such countries while enhancing the democratic process by supporting private and public agriculturally related organizations that request and support technical assistance activities through cash and in-kind services;

(4) to the extent practicable, enter into contracts or other cooperative agreements with or make grants to private voluntary organizations, cooperatives, land grant universities, private agribusiness, or nonprofit farm organizations to carry out this section (except that any such contract or other agreement may obligate the United States to make outlays only to the extent that the budget authority for such outlays is available pursuant to subsection (c) of this section or has otherwise been provided in advance in appropriation Acts);

(5) coordinate programs established under this section with other foreign assistance activities carried out by the United States; and

(6) to the extent practicable, augment the funds available for programs established under this section through the use of foreign currencies that accrue from the sale of agricultural commodities under this chapter, and local currencies generated from other types of foreign assistance activities.

(b) Definitions

The following definitions apply for purposes of this section:

(1) Emerging democracy

The term “emerging democracy” means a country that is taking steps toward—

(A) political pluralism, based on progress toward free and fair elections and a multi-party political system;

(B) economic reform, based on progress toward a market-oriented economy;

(C) respect for internationally recognized human rights; and

(D) a willingness to build a friendly relationship with the United States.

(2) Middle income country

The term “middle income country” means a country that has developed economically to the point where it does not receive bilateral development assistance from the United States.

(c) Minimum funding

Notwithstanding any other provision of law, not less than 0.2 percent of the amounts made available for each of the fiscal years 1991 through 1995 to carry out this chapter, in addition to any funds that may be specifically appropriated to carry out this section, shall be used to carry out programs under this section, with not less than 0.1 percent to be used for programs in developing countries.

(July 10, 1954, ch. 469, title V, § 501, as added Nov. 28, 1990, Pub. L. 101-624, title XV, § 1512, 104 Stat. 3656; amended Dec. 13, 1991, Pub. L. 102-237, title III, § 301, 105 Stat. 1855.)

AMENDMENTS

1991—Subsec. (a)(3). Pub. L. 102-237 struck out comma after “public”.

EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 1513 of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 1691 of this title.

SUBCHAPTER VI—ENTERPRISE FOR THE AMERICAS INITIATIVE

§ 1738. Establishment of Facility

There is established in the Department of the Treasury an entity to be known as the “Enterprise for the Americas Facility” (hereafter referred to in this subchapter as the “Facility”).

(July 10, 1954, ch. 469, title VI, § 601, as added Nov. 28, 1990, Pub. L. 101-624, title XV, § 1512, 104 Stat. 3658.)

EFFECTIVE DATE

Subchapter effective Jan. 1, 1991, see section 1513 of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 1691 of this title.

EX. ORD. NO. 12757. IMPLEMENTATION OF ENTERPRISE FOR THE AMERICAS INITIATIVE

Ex. Ord. No. 12757, Mar. 19, 1991, 56 F.R. 12107, as amended by Ex. Ord. No. 12823, Dec. 3, 1992, 57 F.R. 57645, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Agricultural Trade Development and Assistance Act of 1954 (“ATDA Act”) [7 U.S.C. 1691 et seq.], as amended by Public Law 101-624, Public Law 102-237, and the Foreign Assistance Act of 1961 (“FAA”) [22 U.S.C. 2151 et seq.], as amended by Public Law 102-549, it is hereby ordered as follows:

SECTION 1. The functions vested in the President by sections 603, 604, 611, and 614 of the ATDA Act [7 U.S.C. 1738b, 1738c, 1738j, and 1738m] and sections 703 and 704 of the FAA [22 U.S.C. 2430b, 2430c] are delegated to the Secretary of the Treasury (“Secretary”), who shall exercise such functions in accordance with recommendations of the National Advisory Council on International Monetary and Financial Policies (“Council”), as established by Executive Order No. 11269 of February 14, 1966 [22 U.S.C. 286b note]; except that, with respect to the eligibility determinations required by section 703(a)(1), (2), (3), and (4) of the FAA, the Secretary of the Treasury shall act in accordance with the recommendations of the Secretary of State. The Secretary of State, when necessary, shall report to the Council regarding the need to review the implementation of environmental programs pursuant to section 611 of the ATDA Act.

SEC. 2. (a) For purposes of section 1 of this order only, the membership of the Council shall be expanded to include the following: the Secretary of Agriculture, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, and the Administrator of the Environmental Protection Agency.

(b) Whenever matters being considered by the Council may be of interest to an agency not represented on the Council, the chairperson may invite a representative of such agency to participate in meetings and deliberations of the Council.

(c) In the event of a disagreement among agencies represented on the Council, the Secretary shall refer

the issue to the appropriate Cabinet-level body designated by the President.

SEC. 3. (a) The functions vested in the President by section 607 of the ATDA Act [7 U.S.C. 1738f] are delegated to the Secretary of State, in consultation with the Department of the Treasury, the Department of Agriculture, the Department of Commerce, the Council on Environmental Quality, the Environmental Protection Agency, the Agency for International Development, and any other agency determined by the Secretary of State to have an interest in an environmental framework agreement.

(b) Pursuant to section 610(c) of the ATDA Act [7 U.S.C. 1738i(c)] and section 709(1) of the FAA [22 U.S.C. 2430h(1)], the Enterprise for the Americas Board shall also advise the Secretary of State on the negotiations of the environmental framework agreements and the Americas Framework Agreements.

(c) The Secretary of State shall ensure that the elements and requirements for the Administering Bodies established in section 607(c) of the ATDA Act and section 708(c) of the FAA [22 U.S.C. 2430g(c)] shall be included in the environmental framework agreements and the Americas Framework Agreements.

SEC. 4. (a) The six U.S. Government members of the Enterprise for the Americas Board (“Board”) established by section 610 of the ATDA Act [7 U.S.C. 1738i] shall be representatives from the Department of State, the Department of the Treasury, the Department of Agriculture, the Environmental Protection Agency, the Agency for International Development, and the Inter-American Foundation.

(b) The Department of Commerce and other appropriate agencies may each send representatives to the meetings of the Board, and such representatives may participate in the activities of the Board.

(c) The representative from the Department of the Treasury shall be the chairperson of the Board. The representative from the Department of State shall be the vice chairperson of the Board. The representative from the Environmental Protection Agency shall serve as secretary of the Board.

(1) The chairperson shall be responsible for presiding over the meetings of the Board, ensuring that the views of all other participants are taken into account, and coordinating with other appropriate agencies in assisting the Board in its review of the fiscal audits conducted pursuant to section 607(c)(4) of the ATDA Act [7 U.S.C. 1738f(c)(4)] and section 708(c)(3)(C) of the FAA [22 U.S.C. 2430g(c)(3)(C)].

(2) The vice chairperson shall be responsible for serving as liaison between the Board and local governments, local nongovernmental organizations, and the local Administering Bodies in Latin America and the Caribbean, and for coordinating the international activities related to programs funded under the ATDA Act and Part IV of the FAA [22 U.S.C. 2430 et seq.].

(3) The secretary of the Board shall be responsible for coordinating the preparation of materials for Board discussion, including the technical reviews of the annual programs and reports required to be submitted to the Board under section 607(c)(5) and (c)(6) of the ATDA Act and section 708(c)(3)(E) and (F) of the FAA, and for preparing official minutes of Board discussions.

(d) The five private nongovernmental organization members of the Board shall be chosen by the President.

SEC. 5. No new agreement under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1701 et seq.], and no new credit agreement under the Food for Progress Act of 1985, as amended [7 U.S.C. 1736o], shall be entered into with any country that is in default with respect to the payment of principal or interest on any obligation issued pursuant to section 604 of the ATDA Act [7 U.S.C. 1738c] unless such country meets its obligations or unless the President so authorizes.

SEC. 6. This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

GEORGE BUSH.